

Appln No. 10/727,245
Amdt. Dated March 29, 2006
Response to Final Office Action of February 23, 2006

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REMARKS/ARGUMENTS

The Office Action has been carefully considered. It is respectfully submitted that the issues raised are traversed, being hereinafter addressed with reference to the relevant headings appearing in the Detailed Action section of the Office Action.

The Applicant has amended claims. The Applicant respectfully submits that the amendments to the claim set are fully supported by the originally filed specification.

Final Office Action

The Office Action Summary indicates that the Office Action has been made Final. The Applicant respectfully submits that the Examiner has erred in making the second Office Action Final.

MPEP 706.07(a) states:

"Under present practice, second or any subsequent actions on the merits shall be final, except where the examiner introduces a new ground of rejection that is neither necessitated by applicant's amendment of the claims nor based on information submitted in an information disclosure statement filed during the period set forth in 37 CFR 1.97(c) with the fee set forth in 37 CFR 1.17(p)." (emphasis added)

We note that claim 1 was previously rejected as being anticipated in view of US 6,857,724. Claim 1 was not amended in the response to the first Office Action. In the second Office Action, the Examiner has now raised a new ground of rejection in regard to claim 1 by rejecting the claims as unpatentable over US 6,857,724 in view of US 6,669,331 which was not previously cited in the first Office Action.

This new ground of claim rejection regarding claim 1 of the current application was not necessitated by amendments made by the Applicant. MPEP 706.07 states that *"present practice does not sanction hasty and ill-considered final rejections"* and that the applicant should *"not be prematurely cut off in the prosecution of his or her application"*. The Applicant submits that the this Final Office Action represents a hasty and ill-considered final rejection which has prematurely cut off the prosecution of the current application.

Based on the above reasons, the Applicant has responded to the second Office Action as a non-final Office Action.

Claim Rejections – 35 USC §103

At page 3 of the Office Action, the Examiner has rejected claim 1 as being unpatentable over Silverbrook (US Patent Number 6,857,724) in view of Teshigawara et al (US Patent Number 6,669,331).

The Examiner has stated that Silverbrook does not teach or suggest *"the printer controller being configured to order and time supply of the dot data to the printhead modules in accordance with their respective widths such that a difference in relative widths of the printhead modules is at least partially compensated for"*. Thus the Examiner has solely relied on Teshigawara et al for disclosing this portion of claim 1.

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The Examiner has highlighted lines 23 to 42 of column 10 of Teshigawara et al as disclosing the above portion of claim 1. This highlighted section of Teshigawara et al states:

"As described with reference to FIG. 3, when printing is performed in the color mode, all nozzles of the nozzle columns for black ink 100 (K1) and 101 (K2) are not used, but one portion of all nozzles, that is, the nozzles denoted as "nozzles used when color data are received" in FIG. 4, are employed. On the other hand, when printing monochrome images or the like, all nozzles of the nozzle columns for black ink 100 (K1) and 101 (K2) are employed. Meanwhile, with regard to all nozzle columns for the color inks, the nozzles denoted as "nozzles used when color data are received" in FIG. 4, that is, all nozzles for color inks are employed. These nozzles to be used are configured to be arranged in the range within which 128 dots equivalent to an arrangement density of 360 dpi can be formed, in either of cases of black ink and color ink. Specifically, as described above, from the respective arrangement densities of the nozzle columns of black and colors, 128 nozzles are used in total in the nozzle columns 100 (K1) and 101 (K2) for black ink, while in the nozzle columns for each of the color inks, 256 nozzles (in total) of the two print heads are used.

It can be seen from the above excerpt of Teshigawara et al that this only discloses printheads having different widths which receive data to print in different situations. There is firstly no disclosure of a temporal element of the supply of dot data ie. order and time supply of dot data to the printhead modules in accordance with their respective widths. Secondly there is no disclosure of ordering and timing of supply of the dot data compensating the printheads according to their respective widths. Thirdly, there is no disclosure in Teshigawara et al of a printer controller which is configured to order and time the supply of dot data according to the widths of respective printheads.

Teshigawara et al only teaches that particular portions of multiple printheads can be used for color or monochrome printing. There is no disclosure of the feature of *"the printer controller being configured to order and time supply of the dot data to the printhead modules in accordance with their respective widths such that a difference in relative widths of the printhead modules is at least partially compensated for"*, as required by claim 1.

The MPEP states at §2143 *"Basic Requirements of a Prima Facie Case of Obviousness"* that:

"... three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations."

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The Applicant submits that all claim limitations have not been shown by Silverbrook in view of Teshigawara *et al.*. In particular, Silverbrook in view of Teshigawara *et al.* fails to teach or suggest the claim limitation of *"the printer controller being configured to order and time supply of the dot data to the printhead modules in accordance with their respective widths such that a difference in relative widths of the printhead modules is at least partially compensated for"*. As all three basic requirements for a prima facie case of obviousness need to be satisfied to reject the claim as obvious, the Applicant submits that the claim 1 and all dependent claims are patentable over by Silverbrook in view of Teshigawara *et al.*. The Applicant respectfully requests that the Examiner withdraw the claim rejection to claim 1 and all dependent claims.

The Examiner has also rejected claim 5 as being unpatentable over Teshigawara *et al.* in view of Mitsuzawa *et al.* (US Patent Number 6,523,926).

In particular, the Examiner has stated that Mitsuzawa *et al.* discloses a printer controller comprising a non-volatile memory for storing at least one parameter value indicating which of the potential printhead types (head identification) the printer controller has been configured to supply data to (Column 3, lines 22-25).

The Applicant notes that the head identification information is *"set in accordance with characteristics relating to positional deviation of dots to be formed by the print head in a main scanning direction"*. Thus, the head identification information does not indicate which of the printhead types the printer controller has been configured to supply data to. The head identification information only indicates a position deviation of dots in the main scanning direction. Therefore, the head identification information is not equivalent to the claimed parameter value as the functional requirement of the parameter value is in total contrast to the functional requirement of the head identification information.

The Applicant submits that all claim limitations of claim 5 have not been shown Teshigawara *et al.* in view of Mitsuzawa *et al.*. In particular, Silverbrook in view of Teshigawara *et al.* fails to teach or suggest the claim limitation of *"a printer controller comprises non-volatile memory for storing at least one parameter value indicating which of the potential printhead types the printer controller has been configured to supply data to"*. As all three basic requirements for a prima facie case of obviousness need to be satisfied to reject the claim as obvious, the Applicant submits that the claim 5 and all dependent claims are patentable over by Teshigawara *et al.* in view of Mitsuzawa *et al.*. The Applicant respectfully requests that the Examiner withdraw the claim rejection to claim 5 and all dependent claims.

The Applicant notes that claims 7 and 8 were incorrectly dependent on cancelled claim 6. The Applicant has therefore amended claims 7 and 8 to be dependent on claim 5.

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In view of the foregoing, it is respectfully requested that the Examiner reconsider and withdraw the rejections. The present application is believed to be in condition for allowance. Accordingly, the Applicant respectfully requests a Notice of Allowance of all the claims presently under examination.

Very respectfully,

Applicants:


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